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**Housing– Shame on the Sustainability Sham:
Density is What's Needed**

**A Panel Discussion
Friday, March 6th**

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Remarks/materials prepared by Professor Delogu

Removing Barriers to Sustainable Development

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Introduction:

Over 25 years ago, before the concept of “sustainable development” became vogue, I was engaged by the planning staff and council of an older town, an upscale bedroom suburb of Portland, Maine to help them think through changes in development patterns that were troubling. The town is close to Portland, dotted with rolling fields and wooded areas; it had/has good road linkages to Portland and other regional urban centers– and (for better or worse) the town had been discovered by developers and the marketplace. Some in the town wondered if a building cap (an annual limit on the number of building permits issued) should be put in place, and/or if minimum lot sizes (to discourage development) should be increased. Others on the planning staff and council wondered if zoning and/or subdivision controls could/should be tailored to channel more of the new development that was coming their way into the more central, the historic village area of the town. The infrastructure of the village was old but solid– roads, utilities, sewer and water lines were in place; this infrastructure served an interesting and vibrant mixture of schools, churches, shops, and residential housing. Two things were clear to people in both groups– first, providing infrastructure facilities (roads, utilities, sewer and water, schools) for new housing being built largely in outlying portions of the town was often environmentally damaging, and always costly– moreover, this damage and these costs would likely continue for a considerable period of time. Second, everyone enjoyed the village area– they liked its look,

its feel— it was walkable; there was an interesting mixture of shops, public buildings, and residences— most needs could be readily met. Jane Jacobs would have enjoyed the charm, the architecture, the heterogeneity of this village. Many/most, in the group I was meeting with, wanted to see more of the town’s new development built within, or immediately adjacent to, this village area— they lamented the fact that it wasn’t happening.

At this point in the meeting (having previously reviewed the town’s comprehensive plan and land use control ordinances) I pointed out that it wasn’t happening, notwithstanding their professed desires, because there were a half dozen, or more, provisions in their zoning and subdivision ordinances, and in policy pronouncements in their comprehensive plan, that made new housing (and/or mixed use) development in, or around, the village area all but impossible. In fact, ambiguous language in the comprehensive plan and express provisions in the town’s land use control ordinances left little alternative— the new development being pressed on the town was being channeled into raw land areas— areas outside of (often well beyond) the town’s village area. The phrases “low density sprawl” or “strip commercial development” had not yet come into play, but that’s precisely the type, the style of development that the town’s ordinances and policies invited— a type and style of development that they said they didn’t want, that we scorn today, but too often continue (wittingly or unwittingly) to invite.

Some Specifics:

1. Lot Sizes: Perhaps the single most obvious disjoint between what town leaders said they wanted and what their ordinances allowed/invited became evident as one looked at minimum lot sizes throughout the town. Almost all residential zones outside of the village area featured 1, 2, or 3 acre minimum lot sizes. A handful of land areas within, or immediately adjacent to, the

historical more built up village area allowed new housing development (and some types of commercial/retail development) on individual parcels as small as 10,000 sq. ft. and/or at density levels not exceeding 5 units per acre. **But most of the housing and retail development in the existing village area (the area beloved by all—the area town fathers would expand/replicate) contains many smaller lot sizes and much higher density levels.** In many existing village areas, lots (for housing and/or retail uses) as small as 4,000– 10,000 square feet predominate— not possible today.

2. Setbacks— front, side, back yard: The lot size disjoint (which favors one house on one lot) was reinforced by 50's style setback requirements (50, 30, 15 feet); these varied slightly as one moved from 3, 2, 1, ½, acre (or less) minimum lot sizes, but driven by real or imagined aesthetic or safety concerns, they never disappeared altogether. 15' setback requirements applied to parcels as small as 10,000 sq. ft. without regard as to whether a 1, 1 ½, or 2 story housing unit was going to be accommodated. **But in the historic village area (the area the town would expand/replicate) such setbacks are either non-existent altogether, random in character, and/or of much smaller dimension—** developing without setbacks today is not possible.

3. Height Limitations: Another disjoint between what town leaders say they want (expanded village development) and what their ordinances allow exists in the form of a town wide 35 foot height limitation. Some obvious exceptions exist, i.e., silos, church steeples, communications towers, etc. And a mechanism for special exceptions exists. **But the historic village contains any number of buildings that exceed 35 feet in height. The town seems to like them—** but no effort is made to allow/encourage complementary buildings (taller residential or commercial structures) within or immediately adjacent to the historic village— It's not impossible for

developers to move in this direction, but gaining needed approvals will at best be costly and time consuming, and, of course, approval is never certain.

4. In-fill Development– The Use of Remnant Parcels, Irregular Lots, Back Lots, Lots of Record Smaller Than Presently Permitted Minimum Lot Sizes: If concentrating new development in, and/or near, the historic village was really wanted, each of the lot types noted above would be individually examined to determine whether housing and/or other village uses was possible; a vigorous in-fill housing/development program would be in place. The standard for determining whether new development should be permitted would not be the paralyzing constraints of the town's existing ordinances, but the same or similar standards for lot size, setback, height, density, type of use, etc. that characterize the historic village (the village we would expand/replicate). **In fact, dozens, if not hundreds of these lot/parcel types existed within the historic village area at the time I was consulting with them– they remain largely unbuilt upon today– there is no in-fill development strategy.** Go figure.

5. Density Limitations: If concentrating new development in, and/or near, the historic village was really wanted, one would think that the concept of density bonus would be generously used. Bonus levels creating real development incentives can/should be put in place. If 10,000 square feet is the minimum lot size, densities of 4, 5, or 6 units per acre do little to achieve the stated goal. **The fact that in many parts of the historic village charming and attractive development took place on parcels ranging from 4,000 sq. ft. to 10,000 sq. ft. suggests that on larger parcels of land (25 years ago or today) a much higher density of development was/is possible.** This is particularly true if modern design techniques are utilized, i.e., multi-storied buildings, clustered development, townhouse, and/or common wall construction. It didn't

happen 25 years ago— it has not happened to any meaningful degree in the intervening years.

Again, go figure.

6. PUD's and Mixed Uses: Given the fact that the historic village consisted of a rich mixture of public uses, retail activity, and residential housing one would have thought (if we would replicate and/or expand this model) that in the course of assimilating the new development being pressed on the town, the widest range of uses, mixed uses, and PUD's would be permitted in the village and immediately adjacent areas. It did not happen— town ordinances 25 years ago (and today) reflect, to a large degree, Euclidian principles of zoning separation, rather than the Jane Jacobs approach— a more heterogeneous mixing of uses. **This separation is very much in evidence in the town today, even though in the historic village area the Jane Jacobs template predominates, and notwithstanding the fact that there seemed to be consensus 25 years ago that this model should be followed in assimilating new development—** again, it did not happen.

7. Road Widths: Perhaps nothing (with the possible exception of lot sizes) distinguishes older more historic village and/or urbanized areas of development, from newer areas of development, than the required width of streets, roads, access ways, etc. Obviously, modern vehicles (trucks, cars, etc.) particularly emergency vehicles (police, fire, ambulance, etc.) have contributed to the perceived need to increase these widths wherever and whenever new development is being assimilated. But we may have pushed a necessary direction of movement too far. The idea that all new development activities require a street grid of 28, 30, 32, 34 feet, or more, simply does not square with experience in many older American or European cities where life has gone on for hundreds of years on streets that run the gamut from 12, 16, 20, or 24 feet without undue difficulty or an excess of hazard. Of course, some of these narrower streets will require the

development of one-way traffic patterns, the elimination of on-street parking on one or both sides, and other similar accommodations— **but if we would assimilate new development in, and/or in close proximity to, historic village areas, these latter approaches must be taken rather than simply mandating that all new streets meet whatever heightened street width local officials deem necessary in the name of safety.** Though the town I was working with said it wanted new development (including business and commercial uses) in, and/or in proximity to, the historic village area, it could not overcome the conventional wisdom that such development requires significantly widened street grids. **As a consequence instead of a mixed use expansion of the historic village, almost a mile and a half of highway strip commercial/retail development (outside of the village area) has sprung up in the intervening 25 years;** It's wide (very wide), but in my view another example of the disjoint between what we say we want (a more sustainable, less costly, concentration of new development in historic and attractive village/urban settings) and what the ordinances we adopt give rise to.

Some Other Examples of Land Use Related Policies That Incline Towards Sprawl Rather Than Less Costly, More Sustainable Development:

1. Housing Policies: The town I was consulting with might not like the phrase, but it was then and is now, a bedroom suburb of Portland, Maine. Ninety to Ninety-five percent of its housing 25 years ago (somewhat less today) was/is owner occupied single family housing. The town then disdained manufactured housing and most forms of multi-family housing. A few common wall and townhouse units existed. Condominium developments and the conversion of large older homes into smaller 2-3 unit residential housing had not yet begun. There was no publically sponsored or not for profit low-income or elderly housing in the town. Given this mix of housing realities— the express and implied housing policies of the town, it is no accident that the largest

share of new housing development being pressed on the town (25 years ago) was channeled/ sprawled into raw land areas— areas outside of (often well beyond) the historic village area of the town. For most developers this represented the path of least (governmental) resistance, and it met the perceived needs of the widest slice of the market (buyers).

In the intervening 25 years some (but not many) changes have occurred. A small number of manufactured housing units exist in the town; a somewhat larger number of multi-family housing units exist. A larger (but small) number of common wall, townhouse, and condominium units exist. The conversion of larger older residential units (primarily in the village area) has begun, but has not run its full course. There is very little low-income housing but some elderly housing in the town. The largest share of new housing development (I'm told, upwards of 75%) remains owner occupied single family housing, and still follows what I would call the sprawl model; raw land outside of the historic village area continues to be utilized. **The simply fact is the town has not taken any of the steps suggested above that would induce a less costly, more sustainable form of development (residential or any other type) in, or in proximity to, the historic village, i.e. allowing smaller lot sizes, reducing setbacks/side yards/ etc., increasing densities, raising height limitations, allowing remnant parcels or other smaller lots to be utilized, encouraging mixed uses and/or PUD's.** In short, the disjoint between their housing policies/land use control ordinances, and what they say they want is striking.

2. Parking Policies: The dedication of scarce village or urban land areas to meet the parking needs of new residential (or mixed use) development seems both unsustainable and an unwise use of land. To begin with, the ratios of off-street parking requirements for various types of land use (residential, commercial, retail) seem geared to the suburban sprawl model, rather than

the more limited parking needs that village and/or urban centers require. The latter often have more single-person families, older residents, and lower-income residents— all of whom have lower parking needs. At the same time village and urban centers (particularly in mixed use settings) are often in a better position to develop more or less sophisticated shared parking arrangements. Finally, though small villages and urban centers may not need or want development standards that require stacked parking facilities to be built (as opposed to surface parking arrangements), that certainly is the direction that somewhat larger urban areas should move in. In smaller village/urban areas residential, retail, and/or commercial development that is built over one or two levels of parking is preferable to development that contemplates a ground level building footprint and separate ground level parking spaces, particularly if the village/urban parking requirements reflect the sprawl model noted above, i.e., parking requirements set at higher levels than are really needed. **The town I was consulting with exhibited precisely these tendencies— off-street parking requirements seem too high; there were/are no requirements that development (whatever the type) be built over parking spaces; and there were/are few (if any) provisions for shared parking arrangements. Finally, along the mile and a half of highway commercial/retail strip development (noted above) the worst aspects of mall type parking has sprung up— a larger or smaller building footprint is surrounded by treeless, stripped, blacktop that accommodates parked cars by day, and stands empty at night.**

3. Water and Sewer (Waste Water Treatment) Policies: A lot of variation exists here. If these infrastructure needs are not being provided by any public entity (municipality or regional special district) developers are drawn to the sprawl model— raw land areas where existing minimum lot sizes will support well drilling and septic system waste disposal on individual

lots; the immediate cost of these essential improvements is then either borne by or passed on to the home buyer. Developers understand that if these improvements are not being provided publically that putting them in place within village/urban areas will almost always be far more difficult and costly than putting them in place in raw land areas. A cautionary note: If this aspect of raw land development is not carefully regulated, the long run costs of meeting water and sewer needs (as public facilities begin to come on line) are high, and will burden both the homeowner and the governmental entity involved.

If these infrastructure needs are being provided by an individual town/city/municipality or by a regional special district serving several municipalities, perhaps a large portion (or the whole) of a county, there is more latitude to channel both developers and buyers. The degree to which the municipality or regional entity values sustainable development, i.e., the concentration of new development in existing village/urban settings (as opposed to raw land development) will be readily seen by observing where new water and sewer lines (particularly if the latter are linked to waste water treatment plant capacity) is being built. The construction of these facilities becomes a self-fulfilling promise— they dictate when and where the largest share of new development will take place.

In short, if public capital investments in water and sewer lines, and waste water treatment plants are made in close proximity to existing village/urban areas, developers will gravitate to these areas— their costs will be less. If these capital investments are captured by a sprawl mentality— the desire to open up the next ring of suburban and/or rural land to new development, then that is exactly where new development (or a large portion of it) will go— again, for the same reason— developer costs will be less.

But there is a difference between the two alternatives. The building out of these infrastructure

facilities from existing village/urban centers can often be done in a more orderly, a more sustainable, a more cost effective manner than building and maintaining an infrastructure system that by definition is endeavoring to serve a much larger geographic area. Water and sewer line, waste water treatment plant construction costs being what they are— the long-run costs of sprawl (particularly if the pace of new development slows) become painfully evident over time. **The town I was consulting with 25 years ago provided its own water supply, sewer system, and waste water treatment; these infrastructure systems had/have adequate capacity; this puts the town in a strong position to channel new growth into the village area— but in spite of an expressed desire to do just that, there is no evidence that they have used their control of these infrastructure systems to this end.**

4. School Location Policies: Though this was/is not an issue in the town I was consulting with 25 years ago, it is a fact that local new school construction/location policies, often controlled by state school construction guidelines, have been captured by the sprawl mentality. This is particularly evident when new middle and high school facilities are being built. But even at the elementary school level, it is a problem. The flowing one or two story structure accommodating libraries, auditoriums, (often other public spaces) and surrounded by sidewalks, landscaped areas, ballfields, practice fields, parking areas, etc. seems today to require a physical area— 10, 20, 40, 60 acres, or more, than cannot often be found in more densely settled village/urban settings. Once a school (reflecting these spatial standards) is built a few hundred yards, ½ mile, 1 mile, or more, beyond the present village/urban boundary, it becomes a magnet for new housing development which first, will reach out towards the new school site, and then will move beyond the new school location. Thus sprawl begets more sprawl, and the more sustainable, more dense

development we talk about is not achieved.

We need to regain some flexibility here; we need to rethink the spatial needs of new schools; Three, four, and five story buildings should not be dismissed out of hand; village/urban schools may be better off providing bicycle parking rather than vehicular parking; separating athletic space from academic space may in many settings be both possible and appropriate; and a new public school need not in every instance become a public community center providing meeting/recreation/library/parking spaces for the larger community. In short, more compact, safe, and educationally sound schools can be designed, and need to be made possible in our increasingly urban future.

Conclusion: The town scenario I've used throughout this paper is real– the facts, the growth, the character of the historic village. **What is also real are the disjoints between the expressed desires for assimilating the growth that was on the town's doorstep, and the direction that the town's ordinances, comprehensive plan, and policies would take that development.**

They talked the talk– “higher density, lower cost, mixed use, more sustainable development”, but they did not walk the walk. Their ordinances, regulations, plans, and policies (almost without exception) gave rise to what most of us would recognize/characterize as “suburban/rural sprawl”– a sprawl that was/is environmentally unsound, increasingly costly, and in the long run, not sustainable.

The name of the town seems irrelevant– it could well be Anytown, USA. The important point being made is that what is described in this paper is not a one-off; it's not happening in just a few places that haven't yet got the message. The plain truth is that similar scenarios and disjoints are playing out in every part of the country. That's the point this paper, this panel, is trying to make.

“Sustainable development” is the new buzz-word; it’s cool; it’s what we should be for. **But for the most part– it’s not happening people.**